IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 21577 of 2004

Between:

Smt. B. Nagarathanamma, W/o. B. Narayanappa,
R/o. Varadayapalli Village, Peddapappur Mandal,
Anantapur District.

... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur

District.
3 The Mandal Revenue Officer, Peddapappur Mandal,

Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari against the order of the 1st respondent dated 6-11-2004 vide proceeding R.C.No.K4/ATP/1055/04 confirming the suspension of the Fair Price Shop authorization of the petitioner as arbitrary, illegal, unconstitutional and violative of the principles of natural justice and pass such other order or orders as

this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.C.KODANDA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

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ORDER :

Petitioner was appointed as a Fair Price Shop Dealer for Varadayapalli Vilalge, Peddapappur Mandal, Anantapur District. Her authorization was suspended by the 2nd respondent through proceedings, dated 02.08.2004, on the basis of certain allegations. Aggrieved thereby, the petitioner filed an appeal before the 1st respondent. The appeal was dismissed on 11.08.2004. The same was challenged by the petitioner by filing W.P.No.14513 of 2004. This Court found that the order, dated 11.08.2004, passed by the 1st respondent does not contain any reasons and he was directed to pass a reasoned order. In pursuance of the same, the 1st respondent passed an order, dated 06.11.2004, once again dismissing the appeal. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Learned counsel for the petitioner has urged several grounds touching on the merits of the matter. The fact remains that the proceedings are in relation to an order of suspension, pending enquiry. The nature of findings recorded or observations made in such proceedings substantially vary from those against the final order itself. The reason is that any definite finding would have its own impact on the final proceedings.

The authorization was suspended on an allegation that certain quantities of essential commodities were diverted to block market. The question as to whether such allegations are true, can be considered only at the final enquiry. Strictly speaking, no interference can be called for with the same. The fact, however,

remains that the petitioner was permitted to function as dealer, on the basis of the orders of this Court passed in W.P.14513 of 2004. There is nothing on record to disclose that the petitioner has resorted to any irregularities during his period. Any change over, at this stage, may not be in the interest of Cardholders. This Court is of the view that the enquiry before the 2nd respondent can be expedited and the matter be given finality.

Hence, the writ petition is disposed of directing the 2nd respondent to expedite the matter, in relation to enquiry into the allegations against the petitioner, and pass final orders in accordance with law, within four weeks from the date of receipt of a copy of this order. Till then, the petitioner shall be entitled to continue as dealer. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 25th November, 2004

Note: Furnish copy in

three days.

(B/o.)

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To

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur

District.
3 The Mandal Revenue Officer, Peddapappur Mandal,

Anantapur District.

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